

**DEPARTMENT OF CONSUMER AFFAIRS
LEGISLATIVE DIGEST
2003 Legislative Session**

B. BILLS BY DCA BOARD, BUREAU, & PROGRAM

(1) ACCOUNTANCY, BOARD OF

**AB 664
Correa**

Corporations: Accountability

Two Year Bill

Would prohibit a person from being a public member of the California Board of Accountancy, if he or she currently represents or has formerly represented a public accounting firm, bookkeeping firm, or tax preparation firm.

Originally, would have required, among other things, that a certified public accountant who performs any audit required by law for a corporation to report certain information to the corporation's audit committee. This information would have included all critical accounting policies and practices to be used and all alternative disclosures and treatments that have been discussed with the management of the corporation.

**AB 1000
Dutra**

Corporations: Disclosure Statement

Two Year Bill

Would require corporations to file stock option plan information with the Secretary of State, and require nonprofit corporations to file a statement of information annually instead of biennially with the Secretary of State.

**AB 1756
Assembly
Budget
Committee**

State Government

**Enacted
Chapter #228**

Authorizes the California Board of Accountancy to use contract examination services (see SB 1080 on page # 68).

**SB 1033
Murray**

Recording Industry Accounting Practices

Two Year Bill

Would declare the intent of the Legislature to enact legislation regarding the accounting practices of the recording industry.

(2) ACUPUNCTURE BOARD

**SB 250
Battin**

Mandated Reporters

**Failed in
Senate
Public Safety
Committee**

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

**SB 867
Burton**

Workers' Compensation: Disability Evaluation: Acupuncturist

**Died in Senate
Labor &
Industrial
Relations
Committee**

Would have authorized the Industrial Medical Council to appoint an acupuncturist as a qualified medical evaluator, but would have required that the acupuncturist meet specified requirements.

(3) ARCHITECTS BOARD

**AB 1333
Spitzer**

Mechanics' Liens: Design Professionals

Two Year Bill

Would provide that a pay-if-paid provision in a contract between a design professional and a consultant to perform services in anticipation of a work of improvement is enforceable if the services are performed prior to the commencement of the site improvement, as specified.

Would define a "pay-if-paid" provision as a contractual provision that conditions a design professional's obligation to pay a consultant upon the design professional's receipt of payment. Would specify that it is intended to clarify the effect of a certain California Supreme Court decision with regard to pay-if-paid provisions, as specified, but is not intended to nullify that decision in other respects.

**SB 1079
Committee
on Business
and
Professions**

Department of Consumer Affairs

**Enacted
Chapter #325**

This Department of Consumer Affairs-sponsored annual omnibus bill makes non-substantive, technical and clarifying changes that enact, amend, or repeal provisions relating to the regulatory programs of the: 1) California Architects Board, 2) Bureau of Security and Investigative Services, and 3) Board of Geologists and Geophysicists.

(4) ATHLETIC COMMISSION

**AB 245
Cohn**

Crimes: Professional Sporting Events

**Enacted
Chapter #818**

Prohibits spectators from engaging in certain inappropriate and improper behavior while attending a professional sporting event by throwing objects or touching players with the intent of interfering or distracting the player during the sporting event. Violations of this act is deemed a crime and punishable by a fine of \$1,000 and/or six months in jail.

**AB 1074
Chavez**

Boxers: MRI Examinations

Two Year Bill

Would require boxers rendered unconscious during a match to undergo a Magnetic Resonance Imaging (MRI) exam within 24 hours.

**AB 1458
Reyes**

Boxing Contests

**Enacted
Chapter #515**

Requires the California State Athletic Commission (Commission), at its regularly scheduled meetings, to invite testimony from boxing stakeholders to determine how to attract major professional boxing contests in California. Also revises event reporting requirements so that actual ticket sales will no longer have to be reported to the Commission, and gross receipts will only have to be reported up to \$2,000,000 to ensure that the Commission is still able to collect its 5% gate fee up to its statutory cap of \$100,000.

**AB 1494
Firebaugh**

California Amateur and Professional Sports Commission Act

Two Year Bill

Would establish the California Amateur and Professional Sports Commission Act to promote major amateur and professional sports within the state.

(5) AUTOMOTIVE REPAIR, BUREAU OF (See also Smog Check Program)

AB 377 Chan	<u>Vehicles: Exhaust Systems: Whistle-Tip</u> Prohibits and penalizes the use of, and the business of installing, whistle-tips. Whistle tips are small metal cylinders welded inside a custom-made tailpipe, which produce a high-pitched wail when the vehicle is being driven.	Enacted Chapter #432
AB 382 Correa	<u>Bureau of Automotive Repair: Cite and Fine Regulations</u> Would have required the Director of the Department of Consumer Affairs to adopt regulations implementing a system for the issuance of citations by the Bureau of Automotive Repair on or before April 1, 2004. This bill was later substantially amended to a non-related issue.	Died in Senate Revenue & Taxation Committee
AB 761 Oropeza	<u>Automotive Repair: Report Card Pilot Program</u> Would have created an "Automotive Repair Report Card Pilot Program," to be implemented by the Bureau of Automotive Repair in the counties of Los Angeles and San Jose, to provide for the public posting of whether or not any disciplinary actions have been taken against automotive repair dealers and their employees.	Died in Assembly Business & Professions Committee
AB 775 Parra	<u>Smog Check Program</u> Would define "extensive marketing research," with regards to the implementation of the Smog Check Program, to include information provided by any statewide association of test and repair station owners.	Two Year Bill
AB 970 Correa	<u>Automotive Repair Regulations</u> Would have provided that the Director of the Department of Consumer Affairs may adopt and enforce rules and regulations determined as reasonably necessary to promote a fair, healthy, and competitive automotive repair marketplace for the consumer.	Two Year Bill
AB 1079 Bermudez	<u>Automotive Repair</u> Would define the term "customer" for purposes of the Automotive Repair Act. Would specify who may be designated to authorize auto repair work to be performed, and corrects an erroneous cross reference in the auto repair law.	Two Year Bill
AB 1227 McCarthy	<u>Insurance Fraud: Theft: Bureau of Automotive Repair</u> Would specifically list the Bureau of Automotive Repair, for the purpose of investigating auto repair or auto insurance fraud, among the agencies authorized to request and receive motor vehicle theft or motor vehicle insurance fraud information from insurers. Would provide that the bill is declarative of existing law.	Two Year Bill
SB 551 Speier	<u>Insurance: Automotive Repair Dealers</u> Codifies existing regulations that prohibit insurers from "steering" claimants to a specific automobile repair shop, and requires additional disclosures by insurers relating to the rights of the insured to have their car repaired at a shop of their choosing.	Enacted Chapter #791

(6) BARBERING AND COSMETOLOGY, BUREAU OF

AB 282
Bermudez

Barbering and Cosmetology: Threading

Enacted
Chapter #66

Excludes threading, a technique for removing unwanted hair, from the practice of cosmetology, and places a sunset clause on the exemption of July 1, 2007, and requires the Board to report any complaints received regarding the practice of threading to the Department of Consumer Affairs and the Joint Legislative Sunset Review Committee.

SB 362
Figueroa

Board of Barbering and Cosmetology: Sunset Review

Enacted
Chapter #788

Implements the recommendations of the Joint Legislative Sunset Review Committee (JLSRC) for the Dental Board of California, the Committee on Dental Auxiliaries, the Board of Barbering and Cosmetology (BBC), and other regulatory agencies within the Department of Consumer Affairs. Relative to the BBC: 1) provides that the examination fees paid by BBC applicants reflect the actual cost for developing, purchasing, grading, and administering the examination; 2) clarifies the BBC's inspection authority; 3) Requires all licenses issued by the BBC to contain a photo of the licensee; 4) allows the BBC to inspect an establishment prior to issuing an establishment license; 5) repeals the voluntary instructor license provisions and the corresponding continuing education provisions, effective January 1, 2005; 6) establishes reciprocity with other states by authorizing the BBC to grant a license to an applicant who submits a completed application with the necessary fee, proof of a valid license issued by another state, and proof that the applicant has not been disciplined by another state; 7) authorizes the BBC to temporarily close an establishment for egregious health and safety violations constituting an immediate threat to public health and safety; 8) requires the BBC to conduct specified studies and reviews, and report its findings and recommendations to the Department of Consumer Affairs and the JLSRC by September 1, 2005; 9) requires the BBC, in conjunction with the Department of Consumer Affairs' Office of Examination Resources, to assess the validity of aggregate scoring for BBC applicants; 10) changes obsolete references from "bureau" to "board" throughout the Barbering and Cosmetology Act (Act), including other related conforming changes; and 11) doubles the administrative fine limit (from \$2,500 to \$5,000) that the BBC can levy for a violation of the Act and/or the Board's regulations.

(7) BEHAVIORAL SCIENCES, BOARD OF

AB 116
Nakano

Marriage and Family Therapists: Telemedicine

Enacted
Chapter #20

Restates existing law, the Telemedicine Development Act of 1996, to clarify that dentists, podiatrists, psychologists, marriage and family therapists, and clinical social workers are subject to the Act.

AB 445
Vargas

Social Workers

Two Year Bill

Would prohibit, as of January 1, 2007, except under certain specified conditions, anyone other than an individual who possesses a degree from a school of social work or from an institution that is in candidacy status, as determined by the Council on Social Work Education, or from a foreign school of social work, from representing himself or herself as a "social worker".

AB 940 Yee	<u>Healing Arts: Posttraumatic Stress Disorder Training</u>	Two Year Bill
	Would require physicians and surgeons; psychologists; marriage and family, therapists; and social workers to complete a course in posttraumatic stress disorder approved by his or her respective board prior to licensure renewal.	
AB 1100 Longville	<u>Alcohol and Drug Abuse Counselors</u>	Two Year Bill
	Would require the Board of Behavioral Sciences (BBS) to assume licensure and regulatory oversight of alcohol and substance abuse counselors, who are currently unlicensed. Also would require BBS to conduct an occupational analysis of alcohol and substance abuse counselors and report its findings to the Legislature on or before January 1, 2005. Additionally, would require that one of the two licensed clinical social workers on BBS also have a license as a substance abuse counselor.	
SB 250 Battin	<u>Mandated Reporters</u>	Failed in Senate Public Safety Committee
	Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.	
SB 363 Figueroa	<u>DCA Regulation: Board of Behavioral Sciences</u>	Enacted Chapter #874
	Implements changes to several professional boards and bureaus within the Department of Consumer Affairs: 1) Structural Pest Control Board; 2) Contractors' State License Board; 3) Board for Geologists and Geophysicists; 4) Medical Board of California; 5) Board of Podiatric Medicine; 6) Respiratory Care Board; 7) Cemetery and Funeral Bureau; and 8) Board of Behavioral Sciences. Extends the sunset dates for the Joint Legislative Sunset Review Committee and the California Council for Interior Design Certification.	
SB 816 Alarcon	<u>Clinical Social Workers</u>	Two Year Bill
	Would revise the definition of "clinical social workers" to include the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions, and addictions.	
SB 1077 Committee on Business and Professions	<u>Professions and Vocations: Behavioral Sciences</u>	Enacted Chapter #607
	Makes non-controversial changes to provisions of various regulatory programs within the Department of Consumer Affairs. Specifically, makes changes to the provisions of law governing 1) the Board of Behavioral Sciences, 2) the Medical Board of California, 3) the Occupational Therapy Board, and 4) the Board of Podiatric Medicine, 5) the Contractors' State License Board, 6) the Board for Professional Engineers and Land Surveyors, and 7) the California Court Reporters Board.	
(8) CEMETERY AND FUNERAL BUREAU		
AB 548 Calderon	<u>Embalmers: National Examination</u>	Two Year Bill
	Would require embalmer applicants to take the National Examination for Embalmers prepared by the Conference of Funeral Service Examining Boards instead of taking the state licensing examination administered by the Cemetery and Funeral Bureau.	

**AB 1493
Runner**

Human Remains: Penalties

Would have created a new felony for an individual to sexually penetrate or have sexual contact with a dead human body, as specified.

**Failed in
Senate Public
Safety
Committee**

**SB 363
Figueroa**

DCA Regulation: Cemetery and Funeral Bureau

Implements changes to several professional boards and bureaus within the Department of Consumer Affairs: 1) Structural Pest Control Board; 2) Contractors' State License Board; 3) Board for Geologists and Geophysicists; 4) Medical Board of California; 5) Board of Podiatric Medicine; 6) Respiratory Care Board; 7) Cemetery and Funeral Bureau, and; 8) Board of Behavioral Sciences. Extends the sunset dates for the Joint Legislative Sunset Review Committee and the California Council for Interior Design Certification.

**Enacted
Chapter #874**

(9) CALIFORNIA BOARD OF CHIROPRACTIC EXAMINERS

**AB 747
Matthews**

Medi-Cal or Denti-Cal Fraud

Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving Medi-Cal or Denti-Cal fraud.

**Enacted
Chapter #659**

**SB 250
Battin**

Mandated Reporters

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

**Failed in
Senate
Public Safety
Committee**

**SB 359
Figueroa**

Workers' Compensation Fraud

Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving workers' compensation fraud. Defines the term "more than one conviction" for purposes of the statute to mean that a licensee has one or more convictions prior to January 1, 2004, and at least one conviction on or after that date, or the licensee has two or more convictions after January 1, 2004.

**Enacted
Chapter #595**

(10) CONTRACTORS STATE LICENSE BOARD

**AB 24
Negrete
McLeod**

Real Property Hazards: Notice

Allows for the creation and distribution of a brochure containing information regarding swimming pool and spa safety, also extends the sunset on the requirement that owners of real property disclose knowledge of the presence of an illegal controlled substance on the property.

**Enacted
Chapter #422**

AB 286 Dutra	<u>Mechanics' Liens</u>	Two Year Bill
	Would provide a "good faith payment rule" to protect a homeowner from mechanics' liens and stop-notices if he or she has already made payment to the general contractor. Would provide that for home improvement contracts executed in an amount of \$15,000 or less, the homeowner may set-off the amount of good faith payments made to the original contractor against the aggregate amount of mechanics' lien claims made against the property.	
AB 341 Aghazarian	<u>Contractors: Landscape Contractors</u>	Enacted Chapter #34
	Authorizes a licensed landscape contractor working within his or her classification to enter into a prime contract for the construction of a swimming pool, spa, or hot tub. These improvements must be included within a landscape project supervised by the landscape contractor and be subcontracted to a <u>single</u> licensed swimming pool contractor or be performed by the landscape contractor holding a swimming pool contractor license.	
AB 447 Vargas	<u>Lien Claims: Release: Attorneys' Fees</u>	Enacted Chapter #279
	Raises the cap amount of attorney's fees that may be collected in a petition to remove an expired mechanic's lien from a property. Increases the maximum amount of attorney's fees that may be recovered by a prevailing party from \$1000 to \$2000. Clarifies that a removal petition may be filed, if no foreclosure action is pending. Also makes non-substantive grammatical changes.	
AB 473 Correa	<u>Contractors' State License Board</u>	Two Year Bill
	Would exempt the Contractors' State License Board (CSLB) from the freeze on state employment decreed by Executive Order D-71-03. This exemption would allow the CSLB to effectively license and regulate state contractors. Would take effect immediately (Urgency Clause).	
AB 544 Montanez	<u>Contractor: Temporary Labor</u>	Enacted Chapter #759
	Changes the definition of "contractor" in existing law by including temporary labor service agencies (TLSA). These agencies provide short-term employees to licensed contractors for carrying out and completing contracted labor agreements relating to specified trades.	
	Specifies that contractors acquiring services from TLSAs are to provide their state contractors' license number to the TLSA. These provisions will not apply if a properly licensed contractor exercises supervision in accordance with Business and Professions Code Section 7068.1 and is directly responsible for the final results of the work.	

AB 699
Lieber

Hospital and School Construction Inspectors

Would have required the Legislative Analyst's Office, by January 1, 2005, to complete and submit to the Legislature a study concerning the construction inspector certification programs of the Office of Statewide Health Planning and Development and the Department of General Services.

Originally, would have established the Board of Registered Construction Inspectors (BRCI) within the Department of Consumer Affairs. Would have removed the construction inspection authority of hospitals and schools from the Office of Statewide Health Planning and Development and the State Architect and place it under the oversight of BRCI.

**Died in
Assembly
Appropriation
s Committee
(suspense
file)**

AB 752
Plescia

Construction Defects: Additional Insureds

Would have provided that any endorsement issued by an admitted insurer or non-admitted insurer and governed by the Insurance Code that names an individual or entity as an additional insured under any insurance policy that is collateral to, or affects, any residential construction contract governed by the legal requirements for actions for construction defects, as specified, would only provide the additionally-named insured individual or entity with a defense for those claims arising from or related to, the named insured's activities. Also would have provided that any endorsement or interpretation of an endorsement that purports to grant a greater duty to defend the additionally-named insured shall be void and unenforceable as a matter of public policy.

**Died in
Assembly
Insurance
Committee**

AB 903
Steinberg

Construction Defect Cases

Clarifies the affirmative defenses available to subcontractors, design professionals, materials suppliers, individual product manufacturers and any other party subject to the specified title in construction defect litigation. Specifically, affected parties other than builders will have the same affirmative defenses specified in the construction defect statute. Amends the law regarding construction defect disputes by clarifying the term "builder." Corrects typographical errors in the statute and reorganizes procedural provisions under the statute.

**Enacted
Chapter #762**

AB 1382
Correa

Contractors: Arbitration, Civil Penalties and Licensing

Enacted
Chapter #363

Eliminates the prohibition that results when an existing licensee of the Contractors' State License Board (CSLB) applies for a supplemental classification for an existing license and fails to document sufficient satisfactory experience for the additional classification. This prohibition bars specified licensees from serving as officers, directors, associates, partners or qualifying individuals of a licensee.

Clarifies current law that prohibits specified persons from removing themselves from a license, after an act or omission has occurred that resulted in a citation, in order to avoid complying with the citation. Authorizes the renewal of an expired license that has been suspended, but prohibits a licensee from engaging in any activity relating to the license, or in any other activity or conduct in violation of an order or judgement, until the license is reinstated. This increases CSLB's efficiency to enforce contractors' law.

Also deletes the authority of a CSLB arbitrator to order specific performance of a contract but specifies an arbitrator is not prevented from awarding a complainant all direct costs and expenses for completion or repair of the project. Requires the CSLB to pay the expenses of one expert witness in arbitration upon the request of either party, only when workmanship issues arise.

AB 1386
Shirley
Horton

Contractors

Enacted
Chapter #289

Prohibits contractors from using the "substantial compliance" doctrine if they have never been licensed. The "substantial compliance" doctrine deals with the essential, not exact, requirements of a contract or a statute. This doctrine allows a person that has met only the essential terms of such an agreement, under specified circumstances, to be recognized as having fulfilled that agreement, less any damages resulting from any deviation from the promised performance required under the contract or statute.

AB 1418
Laird

Labor: Violations

Enacted
Chapter #849

Requires the Contractors' State Licensing Board to disclose on its Web site information about contractors who have violated the Labor Code. Also would modify minimum penalties relating to violations of prevailing wage requirements, which are under the purview of the Department of Industrial Relations (DIR). The Director of the DIR is charged with determining the prevailing wage.

AB 1538
Berg

Construction Contractors

Enacted
Chapter #118

Requires a licensed contractor to display in a clearly visible location his or her business name and contractor's license number on or in each motor vehicle used in his or her construction business. The required information must be printed in at least 72-point font or three-quarters of an inch in height and width. Specified contractors, who are already covered under current law, are exempt from the requirements of this statute.

SB 30 Figueroa	<u>Home Improvement Contracts</u>	Two Year Bill
	Would revise and recast home improvement contracts (HIC) by requiring that the HIC and any changes be in writing, legible, easy to understand, and that it inform a consumer of his or her three-day right to cancel or rescind the contract. Also would require the contract to contain various information, notices, and disclosures for the protection of the consumer. A violation of these provisions subjects the home improvement contractor to discipline. A “service and repair contract” would be defined and included within the definition of an HIC.	
SB 363 Figueroa	<u>DCA Regulation: Contractors State License Board</u>	Enacted Chapter #874
	Implements changes to several professional boards and bureaus within the Department of Consumer Affairs: 1) Structural Pest Control Board; 2) Contractors State License Board; 3) Board for Geologists and Geophysicists; 4) Medical Board of California; 5) Board of Podiatric Medicine; 6) Respiratory Care Board; 7) Cemetery and Funeral Bureau; and 8) Board of Behavioral Sciences. Extends the sunset dates for the Joint Legislative Sunset Review Committee and the California Council for Interior Design Certification.	
SB 443 Figueroa	<u>Contracting without a License: Repeat Offenders</u>	Enacted Chapter #706
	Requires the courts to impose a fine and a jail term of at least 90 days for repeated convictions of contracting without a license, unless the court finds unusual circumstances justifying a lesser penalty or a fine. Requires the court to state on the record its reasons if the court imposed a jail sentence of <u>less</u> than 90 days or <u>only</u> a fine.	
SB 458 Burton	<u>Construction Defects: Affirmative Defenses</u>	Two Year Bill (Spot Bill)
	Contains language that would clarify the affirmative defenses available to subcontractors, design professionals, materials suppliers, individual product manufacturers and any other party subject to the specified title in construction defect litigation. Specifically, affected parties other than builders would have the same affirmative defenses specified in the construction defect statute. SB 458’s provisions were placed in AB 903 (Steinberg, 2003), page # 54.	
SB 1077 Committee on Business and Professions	<u>Professions and Vocations: Contractors</u>	Enacted Chapter #607
	Makes non-controversial changes to provisions of various regulatory programs within the Department of Consumer Affairs. Specifically, makes changes to the provisions of law governing 1) the Board of Behavioral Sciences, 2) the Medical Board of California, 3) the Occupational Therapy Board, and 4) the Board of Podiatric Medicine, 5) the Contractors’ State License Board, 6) the Board for Professional Engineers and Land Surveyors, and 7) the California Court Reporters Board.	

(11) COURT REPORTERS BOARD

AJR 35
Leno

Court Reporters and Realtime Writers

Enacted
Chapter #119

Urges Congress to pass the Training for Realtime Writers Act of 2003. Realtime writing is a simultaneous transcription of the spoken word displayed on a computer monitor or large projection screen.

States the support of the California Legislature to ask the California congressional delegation in Washington D.C. to support S 480 (Harkin, 2003) and HR 970 (Kind, 2003). Authorizes federal funding to help meet the growing demands for captioning and communication access services. These services are used by senior citizens and persons who are deaf, hard-of-hearing and/or those learning English. The funding will be used for recruiting, marketing, curriculum development, skills-upgrades, scholarships, internships and distance learning for training in the most state-of-the-art techniques of realtime stenographic court reporting.

SB 1077
Committee
on
Business
and
Profession
s

Professions and Vocations: Court Reporters

Enacted
Chapter #607

Makes non-controversial changes to provisions of various regulatory programs within the Department of Consumer Affairs. Specifically, this bill makes changes to the provisions of law governing 1) the Board of Behavioral Sciences, 2) the Medical Board of California, 3) the Occupational Therapy Board, and 4) the Board of Podiatric Medicine, 5) the Contractors' State License Board, 6) the Board for Professional Engineers and Land Surveyors, and 7) the California Court Reporters Board.

(12) DENTAL BOARD

AB 103
Reyes

Pharmaceutical Companies: Marketing Practices

Died in
Assembly

Would have prohibited a person that is authorized to prescribe, dispense, or purchase dangerous drugs from accepting any gifts, fees, payments, subsidies, or other economic benefits from a pharmaceutical manufacturing/marketing company in any calendar year with a total value greater than the Fair Political Practices Commission gift limit. Also, would have provided other provisions relative to marketing activities of pharmaceutical companies, including a \$10,000 penalty fee for each violation of these provisions.

AB 116
Nakano

Marriage and Family Therapists: Telemedicine

Enacted
Chapter #20

Restates existing law, the Telemedicine Development Act of 1996, to clarify that dentists, podiatrists, psychologists, marriage and family therapists, and clinical social workers are subject to the Act.

AB 123
Cohn

Ownership of Dental Corporations

Enacted
Chapter # 549

Expands the list of persons who may be shareholders, officers, directors, or professional employees of a dental corporation, and expands the types of professional services that may be rendered by a dental corporation.

AB 539 Laird	<u>Dental Board: Dental Students Licensed As Dental Hygienists</u>	Two Year Bill
	Would allow third and fourth-year dental students to sit for the dental hygienist licensure examination. Also, would establish a new fee for these dental students to take the examination, a fee not to exceed the actual cost of the exam.	
AB 747 Matthews	<u>Medi-Cal or Denti-Cal Fraud</u>	Enacted Chapter #659
	Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving Medi-Cal or Denti-Cal fraud.	
AB 801 Diaz	<u>Dentists and Physicians and Surgeons</u>	Enacted Chapter #510
	Enacts the Cultural and Linguistic Competency of Physicians Act of 2003 (Act). Under this new Act, educational classes that consist of cultural practices and beliefs that impact health care will be developed. This program, designed to increase cultural and linguistic competency, is voluntary for physicians and surgeons who elect to participate in the program. This bill also requires the Medical Board to convene a work group to evaluate the program and to determine the credit to be given to participants who successfully complete the programs. Additionally, this bill extends eligibility to participate in the Licensed Physicians and Dentists from Mexico Pilot Program to graduates of a foreign dental school that have received provisional approval by the Dental Board by November 2003 (current eligibility for dentists from Mexico is limited to a single specific dental school in Mexico).	
AB 1007 Nakano	<u>Dental Board of California: Member Composition</u>	Two Year Bill
	Would restructure the composition of the Dental Board. Would not add any new members, simply would clarify which disciplines would be represented on the Board.	
AB 1467 McLeod, Negrete	<u>Dental Board: Restorative Technique Examination</u>	Two Year Bill
	Would make changes to the California dental licensure requirements for graduates of unapproved foreign dental schools. Most importantly, it would extend from December 31, 2003 to December 31, 2008 the Dental Board of California's Restorative Technique Examination (RT Exam), and would establish specified dates in which these applicants must meet specific requirements in order to sit for the RT Exam. (Urgency Measure)	

**SB 151
Burton**

Schedule II Controlled Substances

**Enacted
Chapter #406**

Eliminates, effective July 1, 2004, the requirement that prescriptions for Schedule II controlled substances be written on triplicate forms. Requires, effective January 1, 2005, prescriptions for any controlled substance to be issued on a controlled substance prescription form obtained from a security printer that has been approved by the Board of Pharmacy. Allows prescriptions using either the triplicate or security forms between July 1, 2004 and January 1, 2005. Eliminates the July 1, 2008 sunset date on the Controlled Substance Utilization Review and Evaluation System (CURES) administered by the State Department of Justice (DOJ). Adds a requirement that Schedule III controlled substances be included in the CURES system, contingent upon the availability of funds from the DOJ. Makes other related changes.

**SB 250
Battin**

Mandated Reporters

**Failed in
Senate
Public Safety
Committee**

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

**SB 359
Figueroa**

Workers' Compensation Fraud

**Enacted
Chapter #595**

Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving workers' compensation fraud. Defines the term "more than one conviction" for purposes of the statute to mean that a licensee has one or more convictions prior to January 1, 2004, and at least one conviction on or after that date, or the licensee has two or more convictions after January 1, 2004.

**SB 362
Figueroa**

Dental Board: Committee on Dental Auxiliaries: Sunset Review

**Enacted
Chapter #788**

Implements the recommendations of the Joint Legislative Sunset Review Committee for the Dental Board of California, the Committee on Dental Auxiliaries, the Board of Barbering and Cosmetology, and other regulatory agencies within the Department of Consumer Affairs. Relative to the Dental Board and COMDA: 1) extends the sunset date for the Dental Board and COMDA to July 1, 2005, with a repeal date of January 1, 2006; 2) removes the cap on the number of peace officers that the Director can designate to the enforcement unit of the Dental Board; 3) deletes the requirement for the follow-up study on the Dental Board's peace officer positions and the funds appropriated for that study; 4) clarifies what duties a Registered Dental Assistant in Alternative Practice may perform, and reinstates the authority for specified dental auxiliary personnel to perform specified duties; and 5) doubles the administrative fine limit (from 2,500 to \$5,000) that the Dental Board can levy for a violation of the Dental Practice Act and/or the Board's regulations.

SB 928
Aanestad

Licensure by Credential

Two Year Bill

Would require out-of-state licensure-by-credential applicants to be in active clinical practice for a specified period of time prior to applying for licensure in California. Also, would require applicants to have successfully completed a clinical and written examination that tests their skills and abilities to practice dentistry.

(13) ELECTRONIC AND APPLIANCE REPAIR

AB 1553
Wesson

Service Contracts

Enacted
Chapter #775

Changes the definition of "service contract" by expanding the items that a contract may cover to also include furniture, jewelry, and specified equipment and appliances. Provides service contract sellers with a new means to satisfy financial reserve requirements.

SB 136
Figueroa

Contracts

Two Year Bill

Would provide consumers with increased disclosure for certain contracts by 1) requiring a service contract seller who provides a guarantee or warranty in conjunction with a service contract to disclose the nature and extent of the guarantee or warranty and give a clear explanation of the guarantee or warranty coverage; 2) requiring a licensed real estate broker who is acting as an agent for a buyer to explain all the restrictions, exclusions, and limitations in a home protection contract, when such a contract is offered as part of a residential real property transaction; and 3) providing that home protection contracts set forth the services that may not be performed due to improper previous repairs, improper installation, design deficiency, or preexisting conditions, and any restrictions on the companies that may be used for the performance of services.

**(14) ENGINEERS AND LAND SURVEYORS,
BOARD FOR PROFESSIONAL**

AB 1265
Benoit

Engineers and Land Surveyors: Limited Liability Partnerships

Died in
Senate
Judiciary
Committee

Would have authorized an engineer and a land surveyor to practice within the scope of his or her licensure as a limited liability partnership.

AB 1333
Spitzer

Mechanics' Liens: Design Professionals

Two Year Bill

Would provide that a pay-if-paid provision in a contract between a design professional, and a consultant to perform services in anticipation of a work of improvement is enforceable if the services are performed prior to the commencement of the site improvement, as specified. The site improvement must not have begun or the work of improvement is a public work of improvement.

Would define a "pay-if-paid" provision as a contractual provision that conditions a design professional's obligation to pay a consultant upon the design professional's receipt of payment. Would specify that it is intended to clarify the effect of a certain California Supreme Court decision with regard to pay-if-paid provisions, as specified, but is not intended to nullify that decision in other respects.

SB 1077
Committee
on Business
and
Professions

Professions and Vocations: Engineers and Land Surveyors

Enacted
Chapter #607

Makes non-controversial changes to provisions of various regulatory programs within the Department of Consumer Affairs. Specifically, makes changes to the provisions of law governing 1) the Board of Behavioral Sciences, 2) the Medical Board of California, 3) the Occupational Therapy Board, and 4) the Board of Podiatric Medicine, 5) the Contractors' State License Board, 6) the Board for Professional Engineers and Land Surveyors, and 7) the California Court Reporters Board.

(15) GEOLOGISTS AND GEOPHYSICISTS, BOARD FOR

SB 363
Figueroa

DCA Regulation: Board for Geologists and Geophysicists

Enacted
Chapter #874

Implements changes to several professional boards and bureaus within the Department of Consumer Affairs: 1) Structural Pest Control Board; 2) Contractors State License Board; 3) Board for Geologists and Geophysicists; 4) Medical Board of California; 5) Board of Podiatric Medicine; 6) Respiratory Care Board; 7) Cemetery and Funeral Bureau; and 8) Board of Behavioral Sciences. Extends the sunset dates for the Joint Legislative Sunset Review Committee and the California Council for Interior Design Certification.

SB 1079
Committee
on Business
and
Professions

Department of Consumer Affairs

Enacted
Chapter #325

This Department of Consumer Affairs-sponsored annual omnibus bill makes non-substantive, technical and clarifying changes that enact, amend, or repeal provisions relating to the regulatory programs of the: 1) California Architects Board, 2) Bureau of Security and Investigative Services, and 3) Board of Geologists and Geophysicists.

(16) GUIDE DOGS FOR THE BLIND, BOARD OF

No bills introduced in the 2003 legislative session.

(17) HEARING AID DISPENSERS BUREAU

AB 525
Cohn

Hearing Aid Dispensing

Enacted
Chapter #48

Deletes the requirement that an audiologist must be certified by the American Speech and Hearing Association in order to be qualified to make a specified recommendation of a child's need for a hearing aid and, instead, requires that the recommendation be made by a state licensed audiologist.

(18) HOME FURNISHINGS AND THERMAL INSULATION, BUREAU OF

AB 302
Chan

Polybrominated Diphenyl Ether (PBDE)

Enacted
Chapter #205

Prohibits, on and after January 1, 2008, a person from manufacturing, processing, or distributing in commerce a product, or a flame-retarded part of a product, containing more than 1/10 of 1% pentaBDE or octaBDE, by mass. Manufacturers of items from furniture to electronics commonly add flame retardant chemicals called PBDEs to reduce the risk of catastrophic fires. Use of these chemicals has produced several unintended consequences. PBDEs have spread across the world and are steadily accumulating in the tissues of animals and human beings. Scientists have found that these chemicals can disrupt the process of development in fetuses and infant children. The most serious health effects are likely to be impaired learning, memory, and motor skills caused by exposure during critical windows of brain development in children.

AB 1553
Wesson

Service Contracts

Enacted
Chapter #775

Changes the definition of "service contract" by expanding the items that a contract may cover to also include furniture, jewelry, and specified equipment and appliances. Provides service contract sellers with a new means to satisfy financial reserve requirements.

(19) LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

No bills introduced in the 2003 legislative session.

(20) MEDICAL BOARD

AB 103
Reyes

Pharmaceutical Companies: Marketing Practices

Died in
Assembly

Would have prohibited a person that is authorized to prescribe, dispense, or purchase dangerous drugs from accepting any gifts, fees, payments, subsidies, or other economic benefits from a pharmaceutical manufacturing/marketing company in any calendar year with a total value greater than the Fair Political Practices Commission gift limit. Also, would have provided other provisions relative to marketing activities of pharmaceutical companies, including a \$10,000 penalty fee for each violation of these provisions.

AB 138
Lowenthal

Physicians and Surgeons: Exemption for Out-of-State Physicians and Surgeons Traveling with a Sports Team

Enacted
Chapter #78

Exempts a physician and surgeon from the licensure requirements of the Medical Practice Act for a specified time period if the physician and surgeon is licensed in another state or country and is traveling in California with a sports team for a specific sporting event.

AB 236 Bermudez	<u>Physicians and Surgeons</u>	Enacted Chapter #348
	Prohibits any person who is required to register with the police as a sex offender from being licensed as a physician and surgeon in California. Additionally, requires the Medical Board to promptly revoke the license of any person who becomes subject to that registration requirement. The prohibition does not apply to physicians who have committed misdemeanors such as indecent exposure. Provides for a legal process for the physician to seek reinstatement at the conclusion of parole or probation if the courts determine that the individual does not pose a risk to patients.	
AB 614 Lowenthal	<u>Athletic Trainers</u>	Two Year Bill
	Would create the Athletic Trainer Examining Committee within the jurisdiction of the Medical Board of California. Would make the board and the committee responsible for licensing and regulating those persons engaged in providing athletic training, as defined.	
AB 621 Nakanishi	<u>Physicians and Surgeons: Immunity From Liability</u>	Two Year Bill
	Would create the Physicians and Surgeons Liability Insurance Pilot Program which would be administered by the State Department of Health Services. Would require the program to purchase liability insurance for up to 100 physicians and surgeons who are eligible for waivers of license renewal fees, as described above. Would terminate the program on January 1, 2009, and would be contingent upon receiving private funding sufficient to pay the costs of administering and evaluating the program and purchasing liability insurance.	
AB 663 Lieber	<u>Pelvic Examinations</u>	Enacted Chapter #644
	Prohibits a physician and surgeon and a medical student from performing a pelvic examination on an anesthetized or unconscious patient unless the patient has given informed consent to the pelvic examination, the pelvic examination is within the specified scope of care, or, if the patient is unconscious, the pelvic examination is required for diagnostic purposes.	
AB 747 Matthews	<u>Medi-Cal or Denti-Cal Fraud</u>	Enacted Chapter #659
	Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving Medi-Cal or Denti-Cal fraud.	

AB 801 Diaz	<u>Dentists and Physicians and Surgeons</u> <p>Enacts the Cultural and Linguistic Competency of Physicians Act of 2003 (Act). Under this new Act, educational classes that consist of cultural practices and beliefs that impact health care will be developed. This program, designed to increase cultural and linguistic competency, is voluntary for physicians and surgeons who elect to participate in the program. Also requires the Medical Board to convene a work group to evaluate the program and to determine the credit to be given to participants who successfully complete the programs. Additionally, extends eligibility to participate in the Licensed Physicians and Dentists from Mexico Pilot Program to graduates of a foreign dental school that have received provisional approval by the Dental Board by November 2003 (current eligibility for dentists from Mexico is limited to a single specific dental school in Mexico).</p>	Enacted Chapter #510
AB 850 Runner	<u>Breast Cancer Treatment: Patient Consent</u> <p>Would require a physician and surgeon to obtain a patient's written consent stating that the patient was informed of other treatment options before performing a mastectomy.</p>	Two Year Bill
AB 932 Koretz	<u>Podiatric Medicine: Amputations</u> <p>Would delete the prohibition against a doctor of podiatric medicine performing amputations, but would prohibit an amputation of the foot in its entirety. Would authorize a doctor of podiatric medicine who is certified to perform surgical treatment that is otherwise beyond his or her scope of practice in specified locations if the doctor of podiatric medicine is under the direct supervision of a physician and surgeon. Also would add outpatient settings meeting certain criteria to the list of locations where surgery may be performed.</p>	Two Year Bill
AB 940 Yee	<u>Healing Arts: Posttraumatic Stress Disorder Training</u> <p>Would require physicians and surgeons; psychologists; marriage, family, and child counselors; and social workers to complete a course in posttraumatic stress disorder approved by his or her respective board prior to licensure renewal.</p>	Two Year Bill
AB 948 Nunez	<u>Postgraduate Study Fellowship Program</u> <p>Allows non-citizen physicians who are legally authorized to be in this country to participate in fellowship programs under the direct supervision of a physician or surgeon who has an appointment with the medical school in the state. These programs will take place in clinics or hospitals in medically under-served areas and contingent upon the Medical Board's approval, qualifying physicians will be supervised by a specialist in the area that the physician will receive training.</p>	Enacted Chapter #438
AB 1094 McLeod, Negrete	<u>Physicians and Surgeons</u> <p>Would provide that a licensed physician and surgeon may not provide, publish, or advertise that he or she is a "specialist," or use a similar term, unless he or she is so certified.</p>	Two Year Bill

AB 1196 Montanez	<u>Schedule II Controlled Substances</u>	Enacted Chapter #748
	Gives nurse practitioners the legal authority to furnish or order (equivalent to writing a prescription) Schedule II controlled substances under a patient specific protocol with a physician in addition to their existing authority to furnish or order Schedule III through V controlled substances.	
AB 1392 Bermudez	<u>Medical Board of California: Prosecutorial and Investigative Resources</u>	Vetoed
	Would have authorized the Medical Board of California to determine that certain information and complaints cannot be investigated or prosecuted without detriment to the investigation and prosecution of specified priority cases. Would have required the Board to provide the complainant with a written notice stating that the board is unable to pursue their complaint because of other priority cases and suggesting other agencies to contact for assistance.	
AB 1669 Chu	<u>Peace Officers: Psychological Evaluations</u>	Enacted Chapter #777
	Requires that each psychological evaluation of a peace officer to be done by a licensed physician who is certified by the Medical Board of California or by a licensed psychologist who has a doctoral degree and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders with at least three years of accrued post doctorate experience, and requires the physician or psychologist to meet certain other requirements.	
SB 151 Burton	<u>Schedule II Controlled Substances</u>	Enacted Chapter #406
	Eliminates, effective July 1, 2004, the requirement that prescriptions for Schedule II controlled substances be written on triplicate forms. Requires, effective January 1, 2005, prescriptions for any controlled substance to be issued on a controlled substance prescription form obtained from a security printer that has been approved by the Board of Pharmacy. Allows prescriptions using either the triplicate or security forms between July 1, 2004 and January 1, 2005. Eliminates the July 1, 2008 sunset date on the Controlled Substance Utilization Review and Evaluation System (CURES) administered by the State Department of Justice (DOJ). Adds a requirement that Schedule III controlled substances be included in the CURES system, contingent upon the availability of funds from the DOJ. Makes other related changes.	
SB 250 Battin	<u>Mandated Reporters</u>	Failed in Senate Public Safety Committee
	Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.	

SB 359 Figueroa	<u>Workers' Compensation Fraud</u>	Enacted Chapter #595
	Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving workers' compensation fraud. Defines the term "more than one conviction" for purposes of the statute to mean that a licensee has one or more convictions prior to January 1, 2004, <u>and</u> at least one conviction on or after that date, or the licensee has two or more convictions after January 1, 2004.	
SB 363 Figueroa	<u>DCA Regulation: Medical Board of California</u>	Enacted Chapter #874
	Implements changes to several professional boards and bureaus within the Department of Consumer Affairs: 1) Structural Pest Control Board; 2) Contractors State License Board; 3) Board for Geologists and Geophysicists; 4) Medical Board of California; 5) Board of Podiatric Medicine; 6) Respiratory Care Board; 7) Cemetery and Funeral Bureau; and 8) Board of Behavioral Sciences. Extends the sunset dates for the Joint Legislative Sunset Review Committee and the California Council for Interior Design Certification.	
SB 376 Chesbro	<u>Healing Arts</u>	Enacted Chapter #411
	Creates an exemption to the corporate practice of medicine statute and requires the Medical Board of California to oversee a pilot program that allows qualified district hospitals to directly employ up to 20 physicians and surgeons. Also limits the total number of physicians and surgeons employed by a qualified district hospital to no more than two at a time.	
SB 485 Poochigian	<u>Medical Board of California</u>	Two Year Bill
	Would require the Medical Board of California to evaluate its requirements and procedures for issuing a physician's and surgeon's certificate to determine if they provide adequate access for medically underserved communities to medical residents and if a modification is required to attract physicians and surgeons who are licensed by another state to those communities. Also would require the board to report its findings on those issues to the Legislature.	
SB 490 Alpert	<u>Emergency Contraception Drug Therapy</u>	Enacted Chapter #651
	Authorizes a licensed pharmacist to furnish emergency contraception drug therapy in accordance with standardized procedures and protocols developed by the Board of Pharmacy and Medical Board of California, in consultation with specified entities.	
SB 665 Perata	<u>Medical Providers: Information Summary: Brain Development</u>	Two Year Bill
	Would require that the medical care provider primarily responsible for providing medical care to a child under six years of age provide to the parent or guardian of the child a standardized summary, in layperson's language and in a language understood by the parent or guardian, containing information about the importance of proper brain development for children from birth to age six years, and ways to promote proper brain development.	

SB 774 Vasconcellos	<u>Hypodermic Needles and Syringes</u>	Vetoed
	<p>Would have permitted a pharmacist, who works for a pharmacy that is registered with the local health department in the Disease Prevention Demonstration Project (DPDP), to furnish without a prescription 30 or fewer hypodermic needles and syringes to a person 18 years of age or older. Would have sunset on December 31, 2007. Would have established the DPDP, a collaboration between pharmacies and local and state health officials, to evaluate the long-term desirability of allowing licensed pharmacies to furnish or sell non-prescription syringes to prevent the spread of blood-borne pathogens, including HIV and hepatitis C. Would have permitted a pharmacist or physician to furnish hypodermic needles and syringes to a person known to the furnisher who has previously provided a prescription or other proof of a legitimate medical need requiring a hypodermic needle or syringe to administer a medicine or treatment. Would have required the Office of AIDS, subject to the availability of federal or private funds, to evaluate the effects of this bill, and to provide a report to the Governor and Legislature by January 15, 2007. Would have deleted provisions of current law related to specified record keeping requirements when hypodermic needles and syringes are furnished without a prescription. Would have made other related provisions to include the safe collection, treatment, and disposal of hypodermic needles and syringes.</p>	
SB 995 Aanestad	<u>Pain Management</u>	Two Year Bill
	<p>Would require a district attorney, city attorney, or other prosecuting agency to notify and consult with the Medical Board of California (MBC) regarding any allegations of unprofessional conduct or criminal violation by a physician and surgeon practicing in pain management before taking any action that would require a physician to cease providing pain management services to a patient. Also would require the MBC to investigate and report back to the district attorney, city attorney, or other prosecuting agency.</p>	
SB 1077 Committee on Business and Professions	<u>The Medical Board of California</u>	Enacted Chapter #607
	<p>Makes non-controversial changes to provisions of various regulatory programs within the Department of Consumer Affairs. Specifically, makes changes to the provisions of law governing 1) the Board of Behavioral Sciences, 2) the Medical Board of California, 3) the Occupational Therapy Board, and 4) the Board of Podiatric Medicine, 5) the Contractors' State License Board, 6) the Board for Professional Engineers and Land Surveyors, and 7) the California Court Reporters Board.</p>	

(21) MISCELLANEOUS BOARDS AND BUREAUS

SB 364
Figueroa

Licensing Boards

Enacted
Chapter #789

Makes various changes to professional and vocational boards within the Department of Consumer Affairs (DCA). Authorizes the Contractors State License Board, Structural Pest Control Board, and Bureau of Naturopathic Medicine to obtain fingerprints from license applicants for purposes of a criminal background check; includes the Bureau of Automotive Repair in the sunset review process; eliminates the Osteopathic Medical Board's oral examination; extends the sunset dates by one year for the Speech-Language Pathology and Audiology Board, the State Board of Optometry, and the Medical Board of California; prohibits the Board for Professional Engineers and Land Surveyors from administering any examination for a "manufacturing engineer" on or after January 1, 2004; and authorizes the DCA's Division of Investigation to obtain information from the Employment Development Department for investigative purposes.

Also requires the Bureau for Private Postsecondary and Vocational Education to provide the Legislature with a progress report by October 1, 2003, regarding the status of its corrective actions to resolve deficiencies found in the Bureau of State Audits report of 2000, and DCA's internal audit of November 2002. Finally, expands the purview of the Joint Legislative Sunset Review Committee (JLSRC) by authorizing it to review all state boards (generally, any administrative or regulatory board, commission, committee, council, association, or authority consisting of more than one person, whose members are appointed by the Governor or the Legislature), every four years or over another time period determined by JLSRC.

SB 1080
Senate
Business
and
Professions
Committee

Professions and Vocations

Enacted
Chapter #807

Makes non-controversial, non-substantive or technical changes to various provisions pertaining to the following regulatory programs: California Board of Accountancy, Bureau of Security and Investigative Services, the Contractors' State License Board, the Department of Real Estate, Medical Board of California and the Dental Board of California.

(22) OCCUPATIONAL THERAPY, BOARD OF

SB 250
Battin

Mandated Reporters

Failed in
Senate Public
Safety
Committee

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

SB 1077
Committee
on Business
and
Professions

Professions and Vocations: Occupational Therapy

Enacted
Chapter #607

Makes non-controversial changes to provisions of various regulatory programs within the Department of Consumer Affairs. Specifically, makes changes to the provisions of law governing 1) the Board of Behavioral Sciences, 2) the Medical Board of California, 3) the Occupational Therapy Board, and 4) the Board of Podiatric Medicine, 5) the Contractors' State License Board, 6) the Board for Professional Engineers and Land Surveyors, and 7) the California Court Reporters Board.

(23) OPTOMETRY, BOARD OF

**AB 103
Reyes**

Pharmaceutical Companies: Marketing Practices

**Died in
Assembly**

Would have prohibited a person that is authorized to prescribe, dispense, or purchase dangerous drugs from accepting any gifts, fees, payments, subsidies, or other economic benefits from a pharmaceutical manufacturing/marketing company in any calendar year with a total value greater than the Fair Political Practices Commission gift limit. Also, would have provided other provisions relative to marketing activities of pharmaceutical companies, including a \$10,000 penalty fee for each violation of these provisions.

**AB 186
Correa**

Optometrists: Dangerous Drugs and Devices

**Enacted
Chapter #426**

Includes optometrists in the provisions of the Pharmacy Law and the California Uniform Controlled Substances Act to permit furnishing to, possession by, and the distribution or sale of dangerous drugs and devices and controlled substances to optometrists. Also, adds optometrists to the list of designated prescribers authorized to receive and possess samples of prescription drugs and devices, including controlled substances.

**AB 747
Matthews**

Medi-Cal or Denti-Cal Fraud

**Enacted
Chapter #659**

Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving Medi-Cal or Denti-Cal fraud.

**SB 250
Battin**

Mandated Reporters

**Failed in
Senate
Public Safety
Committee**

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

**SB 359
Figueroa**

Workers' Compensation Fraud

**Enacted
Chapter #595**

Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving workers' compensation fraud. Defines the term "more than one conviction" for purposes of the statute to mean that a licensee has one or more convictions prior to January 1, 2004, and at least one conviction on or after that date, or the licensee has two or more convictions after January 1, 2004.

(24) OSTEOPATHIC MEDICAL BOARD

**AB 103
Reyes**

Pharmaceutical Companies: Marketing Practices

**Died in
Assembly**

Would have prohibited a person that is authorized to prescribe, dispense, or purchase dangerous drugs from accepting any gifts, fees, payments, subsidies, or other economic benefits from a pharmaceutical manufacturing/marketing company in any calendar year with a total value greater than the Fair Political Practices Commission gift limit. Also, would have provided other provisions relative to marketing activities of pharmaceutical companies, including a \$10,000 penalty fee for each violation of these provisions.

**AB 747
Matthews**

Medi-Cal or Denti-Cal Fraud

**Enacted
Chapter #659**

Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving Medi-Cal or Denti-Cal fraud.

**SB 151
Burton**

Schedule II Controlled Substances

**Enacted
Chapter #406**

Eliminates, effective July 1, 2004, the requirement that prescriptions for Schedule II controlled substances be written on triplicate forms. Requires, effective January 1, 2005, prescriptions for any controlled substance to be issued on a controlled substance prescription form obtained from a security printer that has been approved by the Board of Pharmacy. Allows prescriptions using either the triplicate or security forms between July 1, 2004 and January 1, 2005. Eliminates the July 1, 2008 sunset date on the Controlled Substance Utilization Review and Evaluation System (CURES) administered by the State Department of Justice (DOJ). Adds a requirement that Schedule III controlled substances be included in the CURES system, contingent upon the availability of funds from the DOJ. Makes other related changes.

**SB 250
Battin**

Mandated Reporters

**Failed in
Senate
Public Safety
Committee**

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

**SB 359
Figueroa**

Workers' Compensation Fraud

**Enacted
Chapter #595**

Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving workers' compensation fraud. Defines the term "more than one conviction" for purposes of the statute to mean that a licensee has one or more convictions prior to January 1, 2004, and at least one conviction on or after that date, or the licensee has two or more convictions after January 1, 2004.

(25) PHARMACY, BOARD OF

**AB 103
Reyes**

Pharmaceutical Companies: Marketing Practices

**Died in
Assembly**

Would have prohibited a person that is authorized to prescribe, dispense, or purchase dangerous drugs from accepting any gifts, fees, payments, subsidies, or other economic benefits from a pharmaceutical manufacturing/marketing company in any calendar year with a total value greater than the Fair Political Practices Commission gift limit. Also, would have provided other provisions relative to marketing activities of pharmaceutical companies, including a \$10,000 penalty fee for each violation of these provisions.

**AB 521
Diaz**

Prescription Drug Warnings

Two Year Bill

Would require a pharmacist, at the request of a patient, to use at least 12-point type when providing written information about the harmful effects of a prescription drug, effective January 1, 2006.

**AB 747
Matthews**

Medi-Cal or Denti-Cal Fraud

**Enacted
Chapter #659**

Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving Medi-Cal or Denti-Cal fraud.

**AB 1196
Montanez**

Schedule II Controlled Substances

**Enacted
Chapter #748**

Gives nurse practitioners the legal authority to furnish or order (equivalent to writing a prescription) Schedule II controlled substances under a patient specific protocol with a physician in addition to their existing authority to furnish or order Schedule III through V controlled substances.

**AB 1460
Nation**

Laboratory Directors: Pharmacists

**Died in
Assembly
Business &
Professions
Committee**

Would authorize a pharmacist to serve as a laboratory director, under specified circumstances, to administer simple "waived" healthcare tests (including, cholesterol screening, blood glucose, or pregnancy tests).

**SB 151
Burton**

Schedule II Controlled Substances

**Enacted
Chapter #406**

Eliminates, effective July 1, 2004, the requirement that prescriptions for Schedule II controlled substances be written on triplicate forms. Requires, effective January 1, 2005, prescriptions for any controlled substance to be issued on a controlled substance prescription form obtained from a security printer that has been approved by the Board of Pharmacy. Allows prescriptions using either the triplicate or security forms between July 1, 2004 and January 1, 2005. Eliminates the July 1, 2008 sunset date on the Controlled Substance Utilization Review and Evaluation System (CURES) administered by the State Department of Justice (DOJ). Adds a requirement that Schedule III controlled substances be included in the CURES system, contingent upon the availability of funds from the DOJ. Makes other related changes.

SB 175
Kuehl

Veterinary Drugs

Enacted
Chapter #250

Modifies the definition of “dangerous drug” or “dangerous device” to clarify that the Board of Pharmacy (BOP) has the authority to regulate all dangerous prescription drugs or devices regardless of whether they are intended for human or animal use. Clarifies the BOP’s jurisdiction in regulating all pharmacies regardless of whether the drugs dispensed from such pharmacies are for human or animal use. Adds licensed veterinarians to existing prescriber dispensing statutes. Authorizes the Veterinary Medical Board, in conjunction with the BOP, to enforce the existing statutes of the Pharmacy Law regarding prescribing and dispensing of dangerous drugs or devices in relation to the practice of veterinary medicine. Specifies that no person or entity shall dispense dangerous drugs or dangerous devices via the Internet or otherwise for delivery to any person in California without first establishing a good faith prior examination of the animal for whom the prescription is meant.

SB 250
Battin

Mandated Reporters

Failed in
Senate
Public Safety
Committee

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

SB 292
Speier

Drug Prescription Labels

Enacted
Chapter # 544

Requires, commencing January 1, 2006, that any prescription label on a medication dispensed by an outpatient pharmacy must include a physical description of the drug, including its color, shape, and any identification code appearing on the tablets or capsules. Also, specifies that the label description requirement shall not become operative if the Board of Pharmacy adopts regulations that mandate similar label requirements prior to January 1, 2006.

SB 359
Figueroa

Workers’ Compensation Fraud

Enacted
Chapter #595

Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving workers’ compensation fraud. Defines the term “more than one conviction” for purposes of the statute to mean that a licensee has one or more convictions prior to January 1, 2004, and at least one conviction on or after that date, or the licensee has two or more convictions after January 1, 2004.

SB 361
Figueroa

Board of Pharmacy: Sunset Review

Enacted
Chapter # 539

Implements the recommendations of the Joint Legislative Sunset Review Committee for the Board of Pharmacy’s administration, enforcement, and licensing programs. Most importantly: 1) extends the sunset date of the Board to July 1, 2008, with a repeal date of January 1, 2009; 2) changes the composition of the Board; 3) replaces the Board-developed and administered licensing examination with a combination of the North American Pharmacist Licensure Examination and a Board-developed California Jurisprudence Examination; and 4) revises the Board’s pharmacy technician registration provisions.

SB 393 Aanestad	<u>Pharmacy Technicians Checking Pharmacy Technicians</u>	Two Year Bill
	Would permit general acute care hospitals to implement and operate a program using specially trained pharmacy technicians to check the work of other pharmacy technicians under prescribed conditions. Also, would allow the Board of Pharmacy to establish by regulation additional rules for these programs, and would provide enforcement authority for the Board to request that a hospital cease their pharmacy technician program. Finally, would require the hospital to maintain (for inspection by the Board) a current list of all pharmacy technicians participating in their program.	
SB 490 Alpert	<u>Emergency Contraception Drug Therapy</u>	Enacted Chapter #651
	Authorizes a licensed pharmacist to furnish emergency contraception drug therapy in accordance with standardized procedures and protocols developed by the Board of Pharmacy and Medical Board of California, in consultation with specified entities.	
SB 506 Sher	<u>Wholesalers and Manufacturers' Reporting Requirements</u>	Died in Assembly Agriculture Committee
	Would require wholesalers licensed by the Board of Pharmacy and manufacturers who directly distribute dangerous drugs or dangerous devices to retailers within the state to report to the Board specified information on all sales of antibiotics for use on livestock, poultry, or other food producing animals. Would require the Board, beginning on January 1, 2006, to annually compile the information and to notice its availability on its Web site. Also, would require wholesalers, manufacturers, and manufacturers of commercial feed to meet similar reporting requirements with the California Department of Food and Agriculture.	
SB 545 Speier	<u>Pharmacists: Emergency Contraception Drug Therapy</u>	Enacted Chapter # 652
	Prohibits licensed pharmacists from charging patients a separate consultation fee when requesting emergency contraception (EC), but does permit an administrative fee not to exceed \$10. Replaces the existing training requirements for pharmacists providing EC to require at least one hour of approved continuing education on EC. Conforms the type of information that can be requested prior to initiating EC to the existing regulation that requires maintaining medication profiles.	

SB 774
Vasconcellos

Hypodermic Needles and Syringes

Vetoed

Would have permitted a pharmacist, who works for a pharmacy that is registered with the local health department in the Disease Prevention Demonstration Project (DPDP), to furnish without a prescription 30 or fewer hypodermic needles and syringes to a person 18 years of age or older. Would have sunset on December 31, 2007. Would have established the DPDP, a collaboration between pharmacies and local and state health officials, to evaluate the long-term desirability of allowing licensed pharmacies to furnish or sell non-prescription syringes to prevent the spread of blood-borne pathogens, including HIV and hepatitis C. Would have permitted a pharmacist or physician to furnish hypodermic needles and syringes to a person known to the furnisher who has previously provided a prescription or other proof of a legitimate medical need requiring a hypodermic needle or syringe to administer a medicine or treatment. Would have required the Office of AIDS, subject to the availability of federal or private funds, to evaluate the effects of this bill, and to provide a report to the Governor and Legislature by January 15, 2007. Would have deleted provisions of current law related to specified record keeping requirements when hypodermic needles and syringes are furnished without a prescription. Would have made other related provisions to include the safe collection, treatment, and disposal of hypodermic needles and syringes.

(26) PHYSICAL THERAPY BOARD

SB 77
Burton

Physical Therapy

Two Year Bill

Would revise the definition of a physical therapist and define the practice of physical therapy.

(27) PHYSICIAN ASSISTANT COMMITTEE

AB 103
Reyes

Pharmaceutical Companies: Marketing Practices

**Died in
Assembly**

Would have prohibited a person that is authorized to prescribe, dispense, or purchase dangerous drugs from accepting any gifts, fees, payments, subsidies, or other economic benefits from a pharmaceutical manufacturing/marketing company in any calendar year with a total value greater than the Fair Political Practices Commission gift limit. Also, would have provided other provisions relative to marketing activities of pharmaceutical companies, including a \$10,000 penalty fee for each violation of these provisions.

AB 1196
Montanez

Schedule II Controlled Substances

**Enacted
Chapter #748**

Gives nurse practitioners the legal authority to furnish or order (equivalent to writing a prescription) Schedule II controlled substances under a patient specific protocol with a physician in addition to their existing authority to furnish or order Schedule III through V controlled substances.

SB 250
Battin

Mandated Reporters

**Failed in
Senate
Public
Safety
Committee**

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

(28) PODIATRIC MEDICINE, BOARD OF

**AB 116
Nakano**

Marriage and Family Therapists: Telemedicine

Restates existing law, the Telemedicine Development Act of 1996, to clarify that dentists, podiatrists, psychologists, marriage and family therapists, and clinical social workers are subject to the Act.

**Enacted
Chapter #20**

**AB 932
Koretz**

Podiatric Medicine: Amputations.

Would delete the prohibition against a doctor of podiatric medicine performing amputations, but would prohibit an amputation of the foot in its entirety. Would authorize a doctor of podiatric medicine who is certified to perform surgical treatment that is otherwise beyond his or her scope of practice in specified locations if the doctor of podiatric medicine is under the direct supervision of a physician and surgeon. Also would add outpatient settings meeting certain criteria to the list of locations where surgery may be performed.

Two Year Bill

**AB 1777
Committee
on Business
and
Professions**

Health Care Practitioners

Contains technical amendments that either enact, amend, or repeal provisions relating to the following boards: 1) the Board of Podiatric Medicine; 2) the Respiratory Care Board; and 3) the Board of Vocational Nursing and Psychiatric Technicians.

**Enacted
Chapter 586**

**SB 250
Battin**

Mandated Reporters

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

**Failed in
Senate
Public Safety
Committee**

**SB 363
Figueroa**

DCA Regulation: Board of Podiatric Medicine

Implements changes to several professional boards and bureaus within the Department of Consumer Affairs: 1) Structural Pest Control Board; 2) Contractors State License Board; 3) Board for Geologists and Geophysicists; 4) Medical Board of California; 5) Board of Podiatric Medicine; 6) Respiratory Care Board; 7) Cemetery and Funeral Bureau; and 8) Board of Behavioral Sciences. Extends the sunset dates for the Joint Legislative Sunset Review Committee and the California Council for Interior Design Certification.

**Enacted
Chapter #874**

**SB 1077
Committee
on Business
and
Professions**

Professions and Vocations

Makes non-controversial changes to provisions of various regulatory programs within the Department of Consumer Affairs. Specifically, makes changes to the provisions of law governing 1) the Board of Behavioral Sciences, 2) the Medical Board of California, 3) the Occupational Therapy Board, and 4) the Board of Podiatric Medicine, 5) the Contractors' State License Board, 6) the Board for Professional Engineers and Land Surveyors, and 7) the California Court Reporters Board.

**Enacted
Chapter #607**

(29) PRIVATE POSTSECONDARY & VOCATIONAL EDUCATION, BUREAU FOR

AB 655 Liu	<u>California Postsecondary Education Policy and Finance Commission: California Postsecondary Education Commission: Student Aid Commission</u>	Two Year Bill
	Would merge functions of the California Student Aid Commission and the California Postsecondary Education Commission under the authority of a single state entity (California Postsecondary Education Policy and Finance Commission).	
AB 705 Corbett	<u>Career Technical Education</u>	Two Year Bill
	Would request the California State University and the University of California to establish model uniform academic standards for career technical education courses.	
SB 193 Murray	<u>Postsecondary Education: Student Athletes' Bill of Rights</u>	Two Year Bill
	Would enact the Student Athletes' Bill of Rights which would prohibit an institution of higher education from making a contract with any party, that dictates the terms, duration, value, and conditions of student athlete scholarships. Would also prohibit an institution of higher education that maintains an intercollegiate athletics program from imposing a penalty or other sanction on a student athlete for a violation of a rule or code of conduct of an intercollegiate athletics association that was not committed by that student athlete.	
SB 468 Perata	<u>Community Colleges: Homeland Defense Security Training</u>	Died in Senate Education Committee
	Would have established comprehensive security training courses and programs for private safety and security personnel.	
SB 542 Murray	<u>Postsecondary Education: California Postsecondary Education Commission</u>	Two Year Bill
	Would remove the current degree and Title 38 programs from the Bureau for Private Postsecondary and Vocational Education and place these programs under the purview of the California Postsecondary Education Commission.	
SB 967 Burton	<u>Postsecondary Education: Private Postsecondary and Vocational Education Reform Act of 1989: Regionally Accredited Institutions</u>	Enacted Chapter #340
	Exempts degree-granting institutions accredited by specified regional bodies from programmatic and institutional review and approval by the Bureau for Private Postsecondary and Vocational Education.	
SB 1017 Speier	<u>Private Postsecondary Education: Retention of Records of Closed Private Postsecondary Educational Institutions</u>	Two Year Bill
	Would require private postsecondary educational institutions to retain student transcripts and other records maintained by that institution for a period of at least five years following the closure of that respective institution.	

(30) PSYCHOLOGY, BOARD OF

AB 116 Nakano	<u>Marriage and Family Therapists: Telemedicine</u> Restates existing law, the Telemedicine Development Act of 1996, to clarify that dentists, podiatrists, psychologists, marriage and family therapists, and clinical social workers are subject to the Act.	Enacted Chapter #20
AB 348 Chu	<u>Mental Health: Involuntary Confinement: Psychologists</u> Allows a psychologist to authorize release of a person from an involuntary hold prior to the end of the holding period if the psychologist is in a collaborative treatment relationship with a psychiatrist, and both the psychologist and the psychiatrist have examined the patient and consulted with one another.	Enacted Chapter #94
AB 747 Matthews	<u>Medi-Cal or Denti-Cal Fraud</u> Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving Medi-Cal or Denti-Cal fraud.	Enacted Chapter #659
AB 938 Yee	<u>Mental Health Professions: Educational Loan Reimbursement: Funding</u> Establishes the Licensed Mental Health Provider Education Program (Program) and the Mental Health Practitioner Education Fund. The Program provides scholarships and loan forgiveness to mental health professionals, who agree to serve in certain medically underserved areas upon graduation. The Program is funded through a \$10 fee added to the fees paid by licensed clinical social workers, psychologists and marriage and family therapists at the time of license renewal.	Enacted Chapter #437
AB 940 Yee	<u>Healing Arts: Posttraumatic Stress Disorder Training</u> Would require physicians and surgeons, psychologists, marriage, family, and child counselors, and social workers to complete a course in posttraumatic stress disorder approved by his or her respective board prior to licensure renewal.	Two Year Bill
AB 1669 Chu	<u>Peace Officers: Psychological Evaluations</u> Requires that each psychological evaluation of a peace officer to be done by a licensed physician who is certified by the Medical Board of California or by a licensed psychologist who has a doctoral degree and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders with at least three years of accrued post doctorate experience, and requires the physician or psychologist to meet certain other requirements.	Enacted Chapter #777

SB 250 Battin	<u>Mandated Reporters</u> <p>Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.</p>	Failed in Senate Public Safety Committee
SB 359 Figueroa	<u>Workers' Compensation Fraud</u> <p>Requires the Medical Board of California, the Pharmacy Board, the Dental Board of California, the Board of Optometry, the Board of Psychology, the Osteopathic Medical Board of California, and the Board of Chiropractic Examiners to revoke a license, if the licensee has more than one conviction for any felony or misdemeanor involving workers' compensation fraud. Defines the term "more than one conviction" for purposes of the statute to mean that a licensee has one or more convictions prior to January 1, 2004, <u>and</u> at least one conviction on or after that date, or the licensee has two or more convictions after January 1, 2004.</p>	Enacted Chapter #595
SB 366 Johnson	<u>Psychiatric Injuries: Compensation: Proof</u> <p>Would have required proof by clear and convincing evidence of specified matters in order to establish a psychiatric injury, including, among others, proof that the mental disorder arose out of and in the course of employment.</p>	Died in Senate Labor & Industrial Relations Committee
SB 598 Machado	<u>Confidentiality of Medical Information: Psychotherapy</u> <p>Would exempt disclosures made for purposes of diagnosis or treatment from procedures established in current law that specify how a health care provider may disclose information relating to a patient's participation in outpatient treatment with a psychotherapist.</p>	Died in Assembly Judiciary Committee
SB 816 Alarcon	<u>Clinical Social Workers</u> <p>Would revise the definition of "clinical social workers" to include the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions, and addictions.</p>	Two Year Bill
<div style="border: 3px double black; padding: 5px; text-align: center;"> (31) REGISTERED NURSING, BOARD OF </div>		
AB 103 Reyes	<u>Pharmaceutical Companies: Marketing Practices</u> <p>Would have prohibited a person that is authorized to prescribe, dispense, or purchase dangerous drugs from accepting any gifts, fees, payments, subsidies, or other economic benefits from a pharmaceutical manufacturing/marketing company in any calendar year with a total value greater than the Fair Political Practices Commission gift limit. Also, would have provided other provisions relative to marketing activities of pharmaceutical companies, including a \$10,000 penalty fee for each violation of these provisions.</p>	Died in Assembly

AB 253 Steinberg	<u>Health Facilities: Nurse-to-Patient Ratios</u>	Two Year Bill
	Would establish procedures for enforcement of hospital minimum nurse-to-patient staffing ratios and authorizes fines of \$1,000 to \$5,000 per hospital per day for violations. Specifically, this bill would direct the Department of Health Services (DHS) to conduct announced and unannounced inspections of hospitals to determine compliance with minimum nurse-to-patient staffing ratios. Requires DHS to report to the Legislature five years after establishment of the nurse-to-patient ratios regarding implementation and compliance with the ratio requirements. States legislative intent that fine revenue collected for violations of nurse-to-patient staffing ratios be used by the Licensing and Certification Division of DHS to fund hospital inspections.	
AB 1196 Montanez	<u>Schedule II Controlled Substances</u>	Enacted Chapter #748
	Gives nurse practitioners the legal authority to furnish or order (equivalent to writing a prescription) Schedule II controlled substances under a patient specific protocol with a physician in addition to their existing authority to furnish or order Schedule III through V controlled substances.	
AB 1241 Parra	<u>Nursing Education Scholarships</u>	Enacted Chapter #396
	Requires the Office of Statewide Health Planning and Development to establish an Associate Degree Nursing Scholarship Pilot Program, to be funded from the Health Professions Education Foundation, that provides scholarships to associate degree nursing students in counties determined to have high need. The Program would provide scholarships and loan forgiveness to mental health professionals, who agree to serve in certain medically under-served areas upon graduation.	
AB 1777 Committee on Business and Professions	<u>Health Care Practitioners</u>	Enacted Chapter 586
	Contains technical amendments that either enact, amend, or repeal provisions relating to the following boards: 1) the Board of Podiatric Medicine; 2) the Respiratory Care Board; and 3) the Board of Vocational Nursing and Psychiatric Technicians.	
SB 197 Burton	<u>Registered Nurses: Wages and Hours of Employment Violations: Fines</u>	Two Year Bill
	Would subject a health care employer to treble civil penalties for violating meal or rest period provisions for registered nurses. Also, would establish findings and declarations that state, among other things, that there is a shortage of registered nurses and the shortage is reducing access to necessary and quality health care, and that many nurses are leaving because the work environment has declined to an unsatisfactory level.	
SB 250 Battin	<u>Mandated Reporters</u>	Failed in Senate Public Safety Committee
	Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.	

SB 358
Figueroa

Nursing: Vocational Nursing: Psychiatric Technicians

Enacted
Chapter #640

Extends the sunset dates for the Board of Registered Nursing and the Board of Vocational Nursing and Psychiatric Technicians and reflects the recommendations of the Department of Consumer Affairs and the Joint Legislative Sunset Review Committee as it pertains to these Boards.

(32) RESPIRATORY CARE BOARD

AB 1777
Committee
on Business
and
Professions

Health Care Practitioners

Enacted
Chapter 586

Contains technical amendments that either enact, amend, or repeal provisions relating to the following boards: 1) the Board of Podiatric Medicine; 2) the Respiratory Care Board; and 3) the Board of Vocational Nursing and Psychiatric Technicians.

SB 250
Battin

Mandated Reporters

Failed in
Senate Public
Safety
Committee

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

SB 363
Figueroa

DCA Regulation: Respiratory Care Board

Enacted
Chapter #874

Implements changes to several professional boards and bureaus within the Department of Consumer Affairs: 1) Structural Pest Control Board; 2) Contractors State License Board; 3) Board for Geologists and Geophysicists; 4) Medical Board of California; 5) Board of Podiatric Medicine; 6) Respiratory Care Board; 7) Cemetery and Funeral Bureau; and 8) Board of Behavioral Sciences. Extends the sunset dates for the Joint Legislative Sunset Review Committee and the California Council for Interior Design Certification.

(33) SECURITY AND INVESTIGATIVE SERVICES, BUREAU OF

AB 250
Maddox

Private Investigators: Increased Fines for Unlicensed Activity

Two Year Bill

Would increase the fine for infractions for individuals who engage in unlicensed activity as private investigators from \$1,000 to \$1,500.

AB 523
Calderon

Repossessors: Confidentiality of the Inventory of Personal Effects

Enacted
Chapter #724

Specifies that the inventory of personal effects recovered in the repossession of collateral is a confidential document that can only be disclosed per written consent from the debtor, or under court order or subpoena.

AB 671
Corbett

Private Patrol Operators: Labor Law Violations

Two Year Bill

Would expand the circumstances under which the Bureau of Security and Investigative Services (BSIS) can deny, suspend, or revoke a private patrol operator license by authorizing BSIS to take these actions if the licensee has been convicted of or violated any state or federal statute or regulation regulating labor and employment, or has been the subject of a complaint filed by the National Labor Relations Board.

AB 1081 Maddox	<u>Peace Officers</u> Would have provided that a peace officer may have access to complaints against him or her that have been determined by the employing agency to be unfounded; and require that the individual whose records are being sought be notified in writing and furnished with a copy of the notice given to the agency holding the personnel records sought.	Failed in Senate Public Safety Committee
AB 1209 Nakano	<u>Public Agency Security: Confidential Information</u> Would apply the exemption from disclosure under the Public Records Act to a document prepared by or for a state or local agency that assessed its vulnerability to terrorist attack or other criminal acts intended to disrupt the public agency's operations and would also exempt customer lists provided to a state or local police agency by an alarm or security company at the request of the agency.	Two Year Bill
AB 1567 Correa	<u>Peace Officers</u> Would, with respect to fire, state hospital, investigative, and other security personnel who are peace officers, delete the specific authorizations for, and prohibitions on carrying firearms, and delete all limitations on the purposes for which these categories of peace officers may use their peace officer authority.	Two Year Bill
SB 462 Dunn	<u>Peace Officers: Personnel Records</u> Would revise the definition of "general personnel file" to include, among other things, administrative investigations, including any compelled statement by the employee, as specified, and performance evaluations for the purpose of specifying what complaints, reports, and other materials pertinent may be maintained in an officer's general personnel file.	Two Year Bill
SB 1079 Committee on Business and Profession s	<u>Department of Consumer Affairs</u> This Department of Consumer Affairs-sponsored annual omnibus bill makes non-substantive, technical and clarifying changes that enact, amend, or repeal provisions relating to the regulatory programs of the: 1) California Architects Board, 2) Bureau of Security and Investigative Services, and 3) Board of Geologists and Geophysicists.	Enacted Chapter #325
<div style="border: 3px double black; padding: 10px; text-align: center;"> (34) SMOG CHECK PROGRAM (see also Bureau of Automotive Repair) </div>		
AB 219 Reyes	<u>Air Quality</u> Would delete the exemption for diesel powered vehicles from the Smog Check program requirements. Would require every heavy-duty diesel motor vehicle, whether or not part of a fleet, to be inspected for excessive smoke emissions annually. Also would require any vehicle used for agricultural or farming purposes, regardless of whether that vehicle operates on a public roadway, except an implement of husbandry, as defined, to be registered in California, subject to the provisions of the Smog Check program.	Two Year Bill
AB 775 Parra	<u>Smog Check Program</u> Would define "extensive marketing research," with regards to the implementation of the Smog Check Program, to include information provided by any statewide association of test and repair station owners.	Two Year Bill

AB 1316
Parra

Smog Check II: Coastal Districts: Study

Two Year Bill

Would require the State Air Resources Board to conduct a study evaluating the benefit to air quality in the state that would result from requiring all air quality management districts and air pollution control districts located along the state's coastline between the Los Angeles and the San Francisco bay area to participate in smog check II, irrespective of each district's attainment status with respect to state and federal ambient air quality standards. Would require the state board to report the results of the study to the appropriate policy committees of the Legislature not later than January 1, 2005.

AB 1624
Benoit

Air Pollution: Smog Check

Two Year Bill

Would prohibit the Bureau of Automotive Repair from requiring more than an unspecified percentage of vehicles in enhanced areas of the state to obtain a certificate of compliance from a test-only station.

SB 708
Florez

Air Pollution: Motor Vehicles.

Enacted
Chapter #482

Allows a low-income owner of an excessively smoking vehicle who was issued a "notice to correct," to participate in the state's vehicle repair assistance program. Authorizes counties to establish combined smoking vehicle and sobriety checkpoints and fund the checkpoints with increased fine revenue from smoking vehicle citations. Increases the base fine for second and subsequent smoking vehicle citations by \$35 for the purpose of paying for the cost of a combined vehicle inspection and sobriety checkpoint program authorized by the county.

(35) SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

AB 525
Cohn

Hearing Aid Dispensing

Enacted
Chapter #48

Deletes the requirement that an audiologist must be certified by the American Speech and Hearing Association in order to be qualified to make a specified recommendation of a child's need for a hearing aid and, instead, requires that the recommendation be made by a state licensed audiologist.

SB 250
Battin

Mandated Reporters

Failed in
Senate
Public Safety
Committee

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

(36) STRUCTURAL PEST CONTROL BOARD

SB 363
Figueroa

DCA Regulation: Structural Pest Control Board

Enacted
Chapter #874

Implements changes to several professional boards and bureaus within the Department of Consumer Affairs: 1) Structural Pest Control Board; 2) Contractors State License Board; 3) Board for Geologists and Geophysicists; 4) Medical Board of California; 5) Board of Podiatric Medicine; 6) Respiratory Care Board; 7) Cemetery and Funeral Bureau; and 8) Board of Behavioral Sciences. Extends the sunset dates for the Joint Legislative Sunset Review Committee and the California Council for Interior Design Certification.

(37) SUNSET REVIEW

AB 282 Bermudez	<u>Barbering and Cosmetology: Threading</u> Excludes threading, a technique for removing unwanted hair, from the practice of cosmetology, and places a sunset clause on the exemption of July 1, 2007, and requires the Board to report any complaints received regarding the practice of threading to the Department of Consumer Affairs and the Joint Legislative Sunset Review Committee.	Enacted Chapter #66
SB 358 Figueroa	<u>Nursing: Vocational Nursing: Psychiatric Technicians</u> Extends the sunset dates for the Board of Registered Nursing and the Board of Vocational Nursing and Psychiatric Technicians and reflects the recommendations of the Department of Consumer Affairs and the Joint Legislative Sunset Review Committee as it pertains to these Boards.	Enacted Chapter #640
SB 361 Figueroa	<u>Board of Pharmacy: Sunset Review</u> Implements the recommendations of the Joint Legislative Sunset Review Committee for the Board of Pharmacy's administration, enforcement, and licensing programs. Most importantly: 1) extends the sunset date of the Board to July 1, 2008, with a repeal date of January 1, 2009; 2) changes the composition of the Board; 3) replaces the Board-developed and administered licensing examination with a combination of the North American Pharmacist Licensure Examination and a Board-developed California Jurisprudence Examination; and 4) revises the Board's pharmacy technician registration provisions.	Enacted Chapter # 539
SB 362 Figueroa	<u>Sunset Review: Dental Board, Committee on Dental Auxiliaries, Board of Barbering and Cosmetology</u> Implements the recommendations of the Joint Legislative Sunset Review Committee for the Dental Board of California, Committee on Dental Auxiliaries, and Board of Barbering and Cosmetology. Most importantly: 1) extends the sunset dates for the Dental Board and Committee on Dental Auxiliaries to July 1, 2005, with a repeal date of January 1, 2006; 2) authorizes the Board of Barbering and Cosmetology (BBC) to temporarily close an establishment for egregious health and safety violations constituting an immediate threat to public health and safety; 3) makes changes to the BBC's enforcement, examination, and licensing functions; and 4) doubles the administrative fine limit (from \$2,500 to \$5,000) that all Department boards, bureaus, and commissions can levy for a violation of their respective statutes/regulations.	Enacted Chapter #788
SB 363 Figueroa	<u>Department of Consumer Affairs Regulation</u> Implements changes to several professional boards and bureaus within the Department of Consumer Affairs: 1) Structural Pest Control Board; 2) Contractors State License Board; 3) Board for Geologists and Geophysicists; 4) Medical Board of California; 5) Board of Podiatric Medicine; 6) Respiratory Care Board; 7) Cemetery and Funeral Bureau; and 8) Board of Behavioral Sciences. Extends the sunset dates for the Joint Legislative Sunset Review Committee and the California Council for Interior Design Certification.	Enacted Chapter #874

Licensing Boards

Makes various changes to professional and vocational boards within the Department of Consumer Affairs (DCA). Authorizes the Contractors State License Board, Structural Pest Control Board, and Bureau of Naturopathic Medicine to obtain fingerprints from license applicants for purposes of a criminal background check; includes the Bureau of Automotive Repair in the sunset review process; eliminates the Osteopathic Medical Board's oral examination; extends the sunset dates by one year for the Speech-Language Pathology and Audiology Board, the State Board of Optometry, and the Medical Board of California; prohibits the Board for Professional Engineers and Land Surveyors from administering any examination for a "manufacturing engineer" on or after January 1, 2004; and authorizes the DCA's Division of Investigation to obtain information from the Employment Development Department for investigative purposes.

Also requires the Bureau for Private Postsecondary and Vocational Education to provide the Legislature with a progress report by October 1, 2003, regarding the status of its corrective actions to resolve deficiencies found in the Bureau of State Audits report of 2000, and DCA's internal audit of November 2002. Finally, expands the purview of the Joint Legislative Sunset Review Committee (JLSRC) by authorizing it to review all state boards (generally, any administrative or regulatory board, commission, committee, council, association, or authority consisting of more than one person, whose members are appointed by the Governor or the Legislature), every four years or over another time period determined by JLSRC.

(38) TELEPHONE MEDICAL ADVICE SERVICES BUREAU

Telephone Medical Advice Services

Establishes requirements for health care service plans that provide telephone medical advice services. Specifically, this bill would provide a clear definition of what constitutes medical advice and ban unlicensed call takers from using titles that may mislead callers into believing they are speaking with a qualified licensed professional authorized to provide medical advice.

(39) VETERINARY MEDICINE, BOARD OF

Dog Licenses: Issuance by Veterinarians

Permits a county board of supervisors or animal control department to authorize veterinarians to issue dog licenses.

Animal Surgical Procedures: Ban on Cat Declawing

Would prohibit licensed veterinarians from performing or arranging for specified types of surgical declawing on any domestic or exotic cat, except for therapeutic purposes. Would specify that the Veterinary Medical Board may designate additional species of cats that would fall under the native, wild, or exotic cats category that are subject to the bill.

SB 175
Kuehl

Veterinary Drugs

Enacted
Chapter #250

Modifies the definition of “dangerous drug” or “dangerous device” to clarify that the Board of Pharmacy (BOP) has the authority to regulate all dangerous prescription drugs or devices regardless of whether or not they are for human or animal use. Clarifies the BOP’s jurisdiction in regulating all pharmacies regardless of whether the drugs dispensed from such pharmacies are for human or animal use. Adds licensed veterinarians to existing prescriber dispensing statutes. Authorizes the Veterinary Medical Board, in conjunction with the BOP, to enforce the existing statutes of the Pharmacy Law regarding prescribing and dispensing of dangerous drugs or devices in relation to the practice of veterinary medicine. Specifies that no person or entity shall dispense dangerous drugs or dangerous devices via the Internet or otherwise for delivery to any person in California without first establishing a good faith prior examination of the animal for whom the prescription is meant.

SB 250
Battin

Mandated Reporters

Failed in
Senate
Public Safety
Committee

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

<p>(40) VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIANS, BOARD OF</p>

AB 253
Steinberg

Health Facilities: Nurse-to-Patient Ratios

Two Year Bill

Would establish procedures for enforcement of hospital minimum nurse-to-patient staffing ratios and authorizes fines of \$1,000 to \$5,000 per hospital per day for violations. Specifically, this bill would direct the Department of Health Services (DHS) to conduct announced and unannounced inspections of hospitals to determine compliance with minimum nurse-to-patient staffing ratios. Requires DHS to report to the Legislature five years after establishment of the nurse-to-patient ratios regarding implementation and compliance with the ratio requirements. States legislative intent that fine revenue collected for violations of nurse-to-patient staffing ratios be used by the Licensing and Certification Division of DHS to fund hospital inspections.

AB 1241
Parra

Nursing Education Scholarships

Enacted
Chapter #396

Requires the Office of Statewide Health Planning and Development to establish an Associate Degree Nursing Scholarship Pilot Program, to be funded from the Health Professions Education Foundation, that provides scholarships to associate degree nursing students in counties determined to have high need. The Program would provide scholarships and loan forgiveness to mental health professionals, who agree to serve in certain medically under-served areas upon graduation.

AB 1777
Committee
on Business
and
Professions

Health Care Practitioners

Enacted
Chapter 586

Contains technical amendments that either enact, amend, or repeal provisions relating to the following boards: 1) the Board of Podiatric Medicine; 2) the Respiratory Care Board; and 3) the Board of Vocational Nursing and Psychiatric Technicians.

**SB 250
Battin**

Mandated Reporters

Would have provided that a mandated reporter who fails to report a known or reasonably suspected instance of unlawful sexual intercourse with a minor or who actively encourages others not to report the violation would be punished by imprisonment in a county jail for a period not to exceed one year, a fine not to exceed \$2,000, or both.

**Failed in
Senate
Public Safety
Committee**

**SB 358
Figueroa**

Nursing: Vocational Nursing: Psychiatric Technicians

Extends the sunset dates for the Board of Registered Nursing and the Board of Vocational Nursing and Psychiatric Technicians and reflects the recommendations of the Department of Consumer Affairs and the Joint Legislative Sunset Review Committee as it pertains to these Boards.

**Enacted
Chapter #640**